

House File 2546 - Enrolled

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HOUSE FILE 2546

AN ACT

ALLOWING PRIVATE LANDOWNERS LIMITED IMMUNITY FROM PREMISES
LIABILITY DURING URBAN DEER CONTROL HUNTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 461C.1, Code 2005, is amended to read
as follows:

461C.1 PURPOSE.

The purpose of this chapter is to encourage private owners
of land to make land and water areas available to the public
for recreational purposes and for urban deer control by
limiting their liability toward persons entering thereon for
such purposes.

Sec. 2. Section 461C.2, subsection 3, Code 2005, is
amended to read as follows:

3. "Land" means private land located in a municipality
including abandoned or inactive surface mines, caves, and land
used for agricultural purposes, including marshlands, timber,
grasslands and the privately owned roads, water, water
courses, private ways and buildings, structures and machinery
or equipment appurtenant thereto.

Sec. 3. Section 461C.2, Code 2005, is amended by adding
the following new subsections:

NEW SUBSECTION. 3A. "Municipality" means any city or
county in the state.

NEW SUBSECTION. 5. "Urban deer control" means deer
hunting with a bow and arrow on private land in a
municipality, without charge, as authorized by a municipal
ordinance, for the purpose of reducing or stabilizing an urban
deer population in the municipality.

Sec. 4. Section 461C.3, Code 2005, is amended to read as
follows:

461C.3 LIABILITY OF OWNER LIMITED.

Except as specifically recognized by or provided in section
461C.6, an owner of land owes no duty of care to keep the
premises safe for entry or use by others for recreational
purposes or urban deer control, or to give any warning of a
dangerous condition, use, structure, or activity on such
premises to persons entering for such purposes.

Sec. 5. Section 461C.4, unnumbered paragraph 1, Code 2005,
is amended to read as follows:

Except as specifically recognized by or provided in section
461C.6, a holder of land who either directly or indirectly
invites or permits without charge any person to use such
property for recreational purposes or urban deer control does
not thereby:

Sec. 6. Section 461C.5, Code 2005, is amended to read as
follows:

461C.5 DUTIES AND ABILITIES OF OWNER OF LEASED LAND.

Unless otherwise agreed in writing, the provisions of
sections 461C.3 and 461C.4 shall be deemed applicable to the
duties and liability of an owner of land leased, or any
interest or right therein transferred to, or the subject of
any agreement with, the United States or any agency thereof,
or the state or any agency or subdivision thereof, for
recreational purposes or urban deer control.

Sec. 7. Section 461C.6, subsection 2, Code 2005, is
amended to read as follows:

2. For injury suffered in any case where the owner of land
charges the person or persons who enter or go on the land for
the recreational use thereof or for deer hunting, except that
in the case of land or any interest or right therein, leased
or transferred to, or the subject of any agreement with, the
United States or any agency thereof or the state or any agency
thereof or subdivision thereof, any consideration received by
the holder for such lease, interest, right or agreement, shall
not be deemed a charge within the meaning of this section.

Sec. 8. Section 461C.7, subsection 2, Code 2005, is
amended to read as follows:

2. Relieve any person using the land of another for

3 4 recreational purposes or urban deer control from any
3 5 obligation which the person may have in the absence of this
3 6 chapter to exercise care in the use of such land and in the
3 7 person's activities thereon, or from the legal consequences of
3 8 failure to employ such care.

3 9 Sec. 9. NEW SECTION. 461C.8 URBAN DEER CONTROL ==
3 10 MUNICIPAL ORDINANCE.

3 11 1. A municipality may adopt an ordinance authorizing
3 12 trained, volunteer hunters to hunt deer with a bow and arrow
3 13 on private land within the municipality, without charge, for
3 14 the purpose of urban deer control.

3 15 2. The ordinance shall specify all of the following:

3 16 a. How a person qualifies to participate in urban deer
3 17 control.

3 18 b. Where urban deer control can occur.

3 19 c. Conditions under which urban deer control can be
3 20 conducted, which are intended to minimize the risk of injury
3 21 to persons and property.

3 22 3. A hunter who participates in urban deer control
3 23 pursuant to this section shall be otherwise qualified to hunt
3 24 deer in this state, have a hunting license and pay the
3 25 wildlife habitat fee, and obtain a special deer hunting
3 26 license valid only for the dates, locations, and type of deer
3 27 specified on the license. Special deer hunting licenses
3 28 issued pursuant to this section shall be available only to
3 29 residents and shall cost the same as deer hunting licenses
3 30 issued during general deer seasons. The commission may
3 31 establish procedures for issuing more than one license per
3 32 person as necessary to achieve the purposes of urban deer
3 33 control, and the cost of each additional license shall be ten
3 34 dollars.

3 35 4. An urban deer control ordinance is not effective until
4 1 it has been approved by the department of natural resources.

4 2 5. The department of natural resources shall adopt rules
4 3 in accordance with chapter 17A necessary for the
4 4 administration of this section.

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4 9 CHRISTOPHER C. RANTS
4 10 Speaker of the House

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4 14 JEFFREY M. LAMBERTI
4 15 President of the Senate

4 16 I hereby certify that this bill originated in the House and
4 17 is known as House File 2546, Eighty-first General Assembly.

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4 22 MARGARET THOMSON
4 23 Chief Clerk of the House

4 24 Approved _____, 2006

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4 28 THOMAS J. VILSACK
Governor